

AFFIDAVIT OF SERVICE

United States District Court

For The Southern District Of New York

Case Number: 7888 CIV 2008

Plaintiff:
Annette Smith
vs.

Defendant:
National Basketball Association Inc, and Bernard Tolbert

Received these papers to be served on **Bernard Tolbert, 645 Fifth Avenue, New York, NY 10022.**

I, Jason Martinez, being duly sworn, depose and say that on the **16th day of September, 2008 at 4:30 pm, I:**

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons and Complaint** with **Michelle Pujals** for **Bernard Tolbert at 645 Fifth Avenue, New York, NY 10022**, the said premises being the servee's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the **Summons and Complaint** in a postpaid envelope addressed to: **Bernard Tolbert at 645 Fifth Avenue, New York, NY 10022** and bearing the words "Personal & Confidential" by First Class Mail on **9/17/2008** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: BASED UPON INQUIRY OF PARTY SERVED, DEFENDANT IS NOT IN THE MILITARY SERVICE OF THE UNITED STATES OF AMERICA NOR IN THE MILITARY OF ANY OTHER STATE OR COUNTRY.

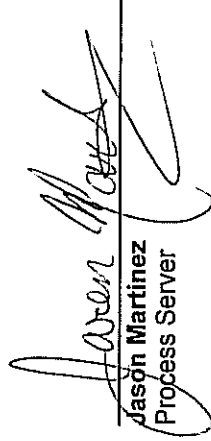
Description of Person Served: Age: 35, Sex: F, Race/Skin Color: White, Height: 5'2", Weight: 130, Hair: Brown, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Licensed Process Server in good standing,

Subscribed and Sworn to before me on the 19th day of September, 2008 by the affiant who is personally known to me.

NOTARY PUBLIC

KEVIN JAY KOHN
NOTARY PUBLIC STATE OF NEW YORK
WESTCHESTER COUNTY
LIC. #02K06181645
COMM. EXP. FEB. 4, 20 12


Jason Martinez
Process Server

Our Job Serial Number: 2008000268

Service Fee: _____